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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,819	08/08/2000	Anand G. Dabak	TI-30652	4258

7590 09/14/2004
Rolald O Neerings
Texas Instruments Incorporated
P O Box 655474 M S 3999
Dallas, TX 75265

EXAMINER

BOCURE, TESFALDET

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/634,819

Applicant(s)

DABAK ET AL.

Examiner

Tesfaldet Bocure

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-7, 14 and 16-19 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8, 9, 13, 15 and 21-26 is/are rejected.
- 7) ☒ Claim(s) 10-12 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07/19/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statement has been received and the initialed copy (one copy) of the 1449 is attached with this correspondence.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 1,2,8,9,13,15, 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Marcoccia et al.** (US patent number 6,169,761 of a record) in view of **Kostic et al.** (US patent number 6,549,784, newly cited)

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Marcoccia et al. (**Marcoccia** hereinafter) teaches a frequency hopping communication system comprising master, claimed first device in claim 1, frequency selector in claim 15 and wireless communication device in claim 23, and slave station (see col. 2, lines 20-25) comprising: the master station for detecting the received signal strength of the received signal on a given channel (232 in figure 4B) and if the detected signal is below the threshold, select (see feedback to 222 from 232) the next channel (claimed further selection in claims 2 and 8), otherwise use the selected channel for transmitting data between the master and base station (steps 234-240) as in claims 1,13,15,23.

Further to claims 1,15 and 23, **Marcoccia** also teaches that the master station use a handshake protocol (claimed transmitting communication link information) with the slave station to verify the selection of the frequency. See col. 3.

With respect to claims 1,15 and 23, **Marcoccia** also teaches that the signal strength of the received channel corresponding to the once transmitted (claimed previously used frequency) by the slave unit is measured in order to make a decision as to what channel the slave unit should communicate next. However, he fails to teach that the quality measurement is based on the frequenc*ies* (plural frequencies rather than a single frequency) that have been previously used by the slave unit.

Kostic et al. for the same endeavor as the instant application and the of teaches a signal strength measurement of the plurality of frequencies received at the base station in order to make a decision as the what frequency pattern within the wide band can be used by the base station to communicate with mobile station.

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See Abstract of the disclosure and col. 2, starting line 59 through col. 4, line 17)

Therefore, it would have been obvious to one of an ordinary skill in the art to use the measurement of pluralities of frequencies of **Kostic** et al. in the system of **Marcoccia** in order to dynamically allocate the best frequency hopping with minimum interference at the time the invention was made.

What **Marcoccia** fails to teach is the master and slave frequency hopping system using Bluetooth as in claims 9,21 and 25, and cordless device as in claims 22 and 26. However, such a Bluetooth and cordless wireless is notoriously known in the communication art and Examiner is taking an official notice. Therefore, it would have been obvious to one of an ordinary skill in the art to apply in the system of Marcoccia the Bluetooth and cordless at the time the invention was made.

It should be noted that Kostic also incorporate by reference to US patent number 5,323,447 issued to Gillis et al (see vol. 2, last paragraph) which uses a frequency hopping technique in a cordless telephone.

Response to Amendment

5. Applicant's arguments with respect to claims 1,15 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

6. Claims 3-7,14 and 16-19 are allowed.

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7. Claims 10-12 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

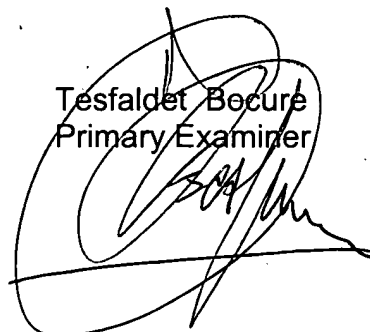
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tesfaldet Bocure whose telephone number is (703) 305-4735. The examiner can normally be reached on Mon-Thur (7:30a-5:00p) & Mon.-Fri (7:30a-5:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H Ghayour can be reached on (703) 306-3034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tesfaldet Bocure
Primary Examiner



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T.Bocure